

and interest, and for general relief. An injunction was granted as prayed.

The defendant, by her answer, admitted the cutting and carrying away of timber, as charged, but averred that the land would, notwithstanding, be more than sufficient to pay the debt; and as to the prayer for a sale, she relied on the fact that no part of the debt was due at the time the bill was filed.

Upon hearing of the motion to dissolve, on the 11th of October, 1825, the injunction was continued to the final hearing or further order.

On the 1st of March, 1825, this plaintiff filed another bill against this defendant, in which he stated the facts in relation to the mortgage as in the before-mentioned bill; and that the mortgaged land was the property of the defendant, whose husband was dead intestate, and that she had been appointed administratrix of his personal estate, including his chattels real; that on the non-payment of the mortgage when due, the defendant was to have a lot of ground in the city of Annapolis sold, and the proceeds applied in satisfaction of the debt, which had not been done; and that the whole mortgage debt, with one year's interest, was then due, upon which he prayed a sale, &c. In this bill there was no allusion to that filed on the 15th of January, 1825.

On the 9th of July, 1825, the defendant put in her answer, in which she admitted the execution of the mortgage; but averred that it had been obtained from her husband, who was an illiterate and, unhappily, an intemperate man, by great importunity and undue influence; that there were certain conditions and stipulations in relation to certain lots purchased from the plaintiff by her late husband, and which lots formed the consideration for which the mortgage had been given, which had not been complied with; that the plaintiff having no title to those lots, the consideration of the mortgage had therefore failed; and that the plaintiff had, on the 15th of January, 1825, filed his bill, praying a sale of the mortgaged property, which was then depending, and therefore she relied on the pendency of that suit as a bar to this.

The defendant, by her petition on oath, stated, that by a mistake and misapprehension, she had, in speaking of the character of her late husband in her answer, said that he was an intemperate man; since which, it had occurred to her, that the expression might be construed to import the excessive use of spirituous liquor, which was not her meaning; but that what she said was meant to be ex-